

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

M78845
E/sl

ROBERT A. SPOLZINO, J.P.
DAVID S. RITTER
EDWARD D. CARNI
JOHN M. LEVENTHAL, JJ.

2008-05006, 2008-05007, 2008-05008,
2008-05009, 2008-05284, 2008-09340

DECISION & ORDER ON MOTION

In the Matter of Felicia V. Kessel-Crawley,
respondent, v James Hodges, Jr., appellant.

(Docket No. F-14987-06)

Motion by the appellant to stay enforcement of five orders of the Family Court, Westchester County, two dated April 10, 2008, two dated May 2, 2008, and one dated September 22, 2008, respectively, pending hearing and determination of appeals from those orders as well as an appeal from an order of the same court dated April 28, 2008.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the motion is granted to the extent that, except for the provisions directing the appellant to pay child support in the sum of \$200 per month, enforcement of the two orders dated April 10, 2008, two orders dated May 2, 2008, and one order dated September 22, 2008, respectively, is stayed on condition that on or before December 15, 2008, the appellant posts an undertaking with corporate surety in the sum of \$27,200 in the office of the Clerk of the Family Court, Westchester County, in terms that if the orders appealed from, or any part thereof, are affirmed, the surety will indemnify the respondent if it is ultimately determined that the respondent sustained a loss due to the conduct of the appellant during the period that the stay was in effect, or deposit the same sum as a cash alternative upon the same terms, and the motion is otherwise denied; and it is further,

November 24, 2008


MATTER OF KESSEL-CRAWLEY v HODGES

Page 1.

ORDERED that in the event the appellant does not comply with the above condition, the court, on its own motion, may vacate the stay, or the respondent may move to vacate the stay, on three days notice.

SPOLZINO, J.P., RITTER, CARNI and LEVENTHAL, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court